

1 ALAN HARRIS, ESQ. (SBN 146079)

HARRIS & RUBLE

2 5455 Wilshire Blvd., Suite 1800

Los Angeles, California 90036

3 Telephone: (323) 931-3777

Facsimile:(323) 931-3366

4 aharris@harrisandruble.com

dzelinski@harrisandruble.com

5 Attorneys for Plaintiff

6 HELEN KANG

7 REX S. HEINKE (SBN 66163)

DAMIEN P. DELANEY (SBN 246476)

8 **AKIN GUMP STRAUSS HAUER & FELD LLP**

2029 Century Park East, Suite 2400

9 Los Angeles, California 90067-3012

Telephone: (310) 229-1000

10 Facsimile: (310) 229-1001

rheinke@akingump.com

11 ddelaney@akingump.com

12 W. RANDOLPH TESLIK, P.C. (*pro hac vice*)

AKIN GUMP STRAUSS HAUER & FELD LLP

13 1333 New Hampshire Avenue, NW, Suite 1000

Washington, DC 20036

14 Telephone: (202) 887-4000

Facsimile: (202) 887-4288

15 RTESLIK@AKINGUMP.COM

16 Attorneys for Settling Defendants

ALBERTSONS, LLC, erroneously sued as

17 ALBERTSON'S INC., DBA AMERICAN

DRUG STORES, INC., ALBERTSONS, INC.,

18 NEW ALBERTSONS, INC., AND

SUPERVALU, INC.

19
20 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

21 HELEN KANG, individually and on
22 behalf of all others similarly situated,

23 Plaintiff,

24 v.

25 ALBERTSONS, INC., a Delaware
Corporation dba AMERICAN DRUG
26 STORES, INC., et al.,

27 Defendants.

Case No. CV 07-0894 CAS (FFMx)

**ORDER OF FINAL APPROVAL OF
SETTLEMENT AND DISMISSING
ACTION**

1 The Court having considered whether to order final approval of the
2 settlement of the above-captioned action pursuant to the Stipulation of Settlement
3 (“Settlement”) filed on or about March 31, 2008, and the Amended Stipulation of
4 Settlement filed on or about June 3, 2008, having read and considered all of the
5 papers of the parties and their counsel, having granted preliminary approval and
6 directed that notice be given to all Class Members of preliminary approval of the
7 Settlement and the final approval hearing and the right to be excluded from the
8 settlement on April 7, 2008, and June 4, 2008, and having received no objections
9 to the Settlement, good cause appearing,

10 **IT IS HEREBY ORDERED AS FOLLOWS:**

11 1. Terms used in this Order have the meaning assigned to them in the
12 Stipulation of Settlement.

13 2. This Court has jurisdiction over the claims asserted in the Litigation
14 by Plaintiff Helen Kang (“Plaintiff”), and over Class Members and Settling
15 Defendants.

16 3. The Court hereby makes final the conditional class certification
17 contained in the Order of Preliminary Approval of Settlement, Certification of
18 Settlement Class and Appointment of Class Counsel, and thus makes final for
19 purposes of the Settlement the certification of a class whose members consist of
20 all persons who were employed by Albertsons, Inc., whether in an Albertsons
21 grocery store or a Sav-on Drug Store, by Albertsons, LLC, or by New Albertsons,
22 Inc., as an hourly, non-exempt pharmacist in California between November 21,
23 2002 and April 7, 2008, except for those persons who timely requested to be
24 excluded from the Settlement in accordance with the terms thereof, as reported in
25 the Declaration of the Qualified Settlement Administrator on file herein.

26 4. The Court hereby finds that the Notice of Preliminary Approval of
27 Settlement and Final Approval Hearing and Right to Be Excluded From the Class,

1 as mailed to all Class Members on or about June 6, 2008, fairly and adequately
2 described the proposed Settlement, the manner in which Class Members could
3 object to or participate in the Settlement, and the manner in which Class Members
4 could opt out of the Class; was the best notice practicable under the
5 circumstances; was valid, due and sufficient notice to all Class Members; and
6 complied fully with the Federal Rules of Civil Procedure, due process, and all
7 other applicable laws. The Court further finds that a full and fair opportunity has
8 been afforded to Class Members to participate in the proceedings convened to
9 determine whether the proposed Settlement should be given final approval.
10 Accordingly, the Court hereby determines that all Class Members who did not file
11 a timely and proper request to be excluded from the Settlement are bound by this
12 final order.

13 5. The Court hereby finds that the Settlement is fair, reasonable, and
14 adequate as to the Class, Plaintiff and Settling Defendants, and is the product of
15 good faith, arms-length negotiations between the parties, and further, that the
16 Settlement is consistent with public policy, and fully complies with all applicable
17 provisions of law. Accordingly, the Court hereby finally and unconditionally
18 approves the Settlement and authorizes Settling Defendants to pay the Individual
19 Settlement Amounts and associated tax obligations from the Settlement Amount
20 in accordance with the terms of the Settlement.

21 6. Settling Defendants agreed in the Settlement not to object to
22 Plaintiff's request for an enhancement award not to exceed the amount of
23 \$25,000.00 as payment to her for her service as Plaintiff. The Court has
24 considered Plaintiff's request for an enhancement award of \$25,000 and, good
25 cause appearing, hereby grants Plaintiff's request in the amount of \$ 25,000 -
26 and authorizes Settling Defendants to pay this amount from the Settlement
27 Amount in accordance with the terms of the Settlement.

7. Settling Defendants further agreed in the Settlement to pay reasonable attorneys' fees, expenses, and costs to Plaintiff's Counsel up to a maximum of \$1,991,250 as approved by the Court. Plaintiff's counsel has reduced his request of attorneys' fees, expenses, and costs to \$1,882,905.77 so that certain late claims can be paid from the amount originally designated as attorneys' fees. The Court has considered Plaintiff's motion for the award of attorneys' fees, costs and expenses, and, good cause appearing, hereby awards Plaintiff's Counsel attorneys' fees, costs and expenses in the amount of \$ 1,882,905.77 and authorizes Settling Defendants to pay such amounts from the Settlement Amount in accordance with the terms of the Settlement.

8. Settling Defendants further agreed in the Settlement to pay from the Settlement Amount the reasonable costs of the Qualified Settlement Administrator associated with notices to the Class and the administration of the Settlement and all costs associated with distribution of Individual Settlement Amounts to Class Members. Good cause appearing, the Court hereby authorizes Defendant to pay the amount of \$60,733 to the Qualified Settlement Administrator in accordance with the terms of the Settlement.

9. The Litigation is hereby dismissed with prejudice; *provided, however,* that without affecting the finality of this Order, the Court hereby retains exclusive and continuing jurisdiction over the Litigation, Plaintiff, all Class Members and Settling Defendants, for purposes of supervising, administering, implementing, interpreting and enforcing this Order and the Settlement.

Dated:

September 8, 2008

Christina A. Snyder
Hon. Christina A. Snyder
United States District Court Judge